

## MINUTES

### HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 14, 2007

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

#### CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL:                    *P*                    *P*                    *P*                    *P*                    *P*                    *P*  
*Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley*

#### AGENDA APPROVAL

A MOTION WAS MADE BY SHAW, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 14, 2007, BY THE FOLLOWING VOTE:

AYES:                    Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley  
NOES:                    None  
ABSENT:                None  
ABSTAIN:                None

#### MOTION APPROVED

#### A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

- A-1.    MITIGATED NEGATIVE DECLARATION NO. 06-008/CONDITIONAL USE PERMIT NO. 06-035/VARIANCE NO. 07-001 (FIRST CHRISTIAN CHURCH REMODEL/EXPANSION) 1207 Main Street, 92648 – Ron Santos

Commissioner Farley left the room.

Ron Santos, Associate Planner, gave an overview of the proposed project.

Discussion ensued regarding the size of the building and parking structure.

Several questions were raised regarding intent of outdoor events, seating capacity clarification, parking requirements, parking structure, aesthetics & colors, and intent of café services. Santos stated additional information will be provided, adding the Environmental Assessment Report addressed all the items adequately. Scott Hess, Director of Planning, added staff will address these issues in the staff report, including applicant's reply to questions raised.

**A-2. VARIANCE NO. 07-007 (APPEAL - TINKER CARPORT ADDITION)  
6465 Marigayle Circle, 92648 – Andrew Gonzales**

Ricky Ramos, Associate Planner, gave an overview of the project, on behalf of Andrew Gonzales, Assistant Planner.

Questions were raised regarding the intention of a late communication on this item and the Commission requested timely email notification of late communications.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):**

Herb Fauland, Principal Planner, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of 15 late communication items received regarding public hearing Item B-2. He also requested the Planning Commission consider a change in the order to the agenda and possibly moving Items D-1 & D-2 after Item B-1.

**D. PLANNING COMMISSION COMMITTEE REPORTS**

**D-1. GREEN BUILDINGS PLANNING COMMISSION COMMITTEE –  
Commissioner Shier- Burnett**

Commissioner Shier-Burnett provided an overview of the Green Buildings Committee report.

Chair Scandura made some suggestions on the presentation.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE THE  
COMMITTEE REPORT PRESENTATION FOR CITY COUNCIL REVIEW ON AUGUST 20,  
2007, BY THE FOLLOWING VOTE:**

**AYES: Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION APPROVED**

Commissioner Speaker reported on the last Design Review Board meeting and commented on the preliminary design of the proposed Senior Center.

**E. PUBLIC COMMENTS -Regarding Study Session Portion of Meeting**

David Treiman, resident, voiced his opposition to the project and urged Commissioners to review public comments concerning the negative declaration. He stated his concern regarding the new Conditional Use Permit superseding all existing Conditional Use Permits, as well as the harmful effects of diesel fuel and noise from the increased traffic.

Lee Treiman, resident, spoke in opposition of the project due to the additional noise the outdoor dining and amphitheater will create.

Kim Le, resident, voiced her opposition to the project due to potential crime in the proposed parking structure and that the cafeteria will be open to the public.

Karen Gray, resident, voiced her opposition to the project due to the impact of additional traffic, noise and smells on her quiet neighborhood.

Pete Peterson, resident, spoke in opposition to the project, stating concern with a parking structure in a residential neighborhood and a commercial café.

Howard Ross, resident, spoke in opposition to the project stating the project requires an Environmental Impact Report. He questioned how the City would enforce seat capacity. He objects to the proposed parking structure, bookstore and café due to the increase in traffic, noise and odors.

Ron Austin, resident, indicated he objects to a commercial café and to a parking structure. He states the project is too large for the neighborhood.

Stephen Kluewer, resident, objects to the project because it is too large and the parking structure will attract skateboarders and child predators.

Steve Stafford, resident, voiced his concerns regarding use of Estate Circle for access to the high school parking lot. He believes permissions have not been granted to use the roadway.

**F. PLANNING COMMISSION COMMENTS:**

Commissioner Scandura reported on the status of the H Item regarding downtown outdoor sales. Scandura stated this was a minute action item on a temporary use permit and will be on the next City Council meeting agenda.

**6:45 P.M. – RECESS FOR DINNER**

7:15 P.M. – COUNCIL CHAMBERS

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Shier-Burnett

**ROLL CALL:**                    *P*                    *P*                    *P*                    *P*                    *P*                    *P*  
*Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley*

**AGENDA APPROVAL**

A MOTION WAS MADE BY SPEAKER, SECONDED BY SHAW, TO MOVE ITEMS D-1 AND D-2 AHEAD OF B-2 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 14, 2007, BY THE FOLLOWING VOTE:

AYES:            Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley  
NOES:            None  
ABSENT:        None  
ABSTAIN:       None

**MOTION APPROVED**

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A.    **ORAL COMMUNICATIONS** - NONE

B.    **PUBLIC HEARING ITEMS:**

**B-1. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI – CONTINUED FROM JULY 24, 2007 WITH PUBLIC HEARING TO BE OPENED):** **Applicant:** Valentina Allen, Kerr Project Services **Request:** To permit the establishment, maintenance and operation of a restaurant with on-site sale and consumption of alcoholic beverages. **Location:** 155 5<sup>th</sup> Street, Unit 183, 92648 (north side of Pacific Coast Highway, between 5<sup>th</sup> St. and 6<sup>th</sup> St. – The Strand) **Project Planner:** Rami Talleh

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 07-021 with findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier-Burnett has visited the site.
- Commissioner Livengood has visited the site.
- Commissioner Speaker recused himself.
- Commissioner Dwyer has visited the site.
- Chair Scandura has discussed the project with staff.
- Commissioner Farley has visited the site.

Herb Fauland, Principal Planner, gave a presentation of the project.

**THE PUBLIC HEARING WAS OPENED.**

Debra Kerr, Agent for RA Sushi, spoke on behalf of the applicant and stated she is available to answer questions. Ms. Kerr noted they have reviewed all conditions of approval and take no exceptions.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commissioner Shier-Burnett commented the project will be an asset to the City.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 07-021 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

**AYES: Shier-Burnett, Livengood, Scandura, Shaw, Dwyer, Farley**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: Speaker**

**MOTION APPROVED**

Herb Fauland, Principal Planner, read the appeal language and appeal fee on the subject entitlement.

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 07-021**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-021:**

1. Conditional Use Permit No. 07-021 for the establishment of a 5,313 sq. ft. restaurant with on-site alcohol sales will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed uses will not create adverse noise or parking impacts to the surrounding businesses and residents based on the availability of parking within the existing parking structure and limitations on hours of operation.
2. The proposed restaurant with alcohol sales will be compatible with surrounding uses. The use will be required to comply with conditions of approval pertaining to hours of operation to assure that any potential impacts to the surrounding properties are minimized. The use is subject to noise regulations to ensure compatibility with surrounding businesses and residents. In addition, the proposed use is consistent with the mixed-use character of commercial developments in the downtown.
3. The proposed restaurant will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision

Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed use will comply with parking in the Downtown Parking Master Plan and will be accommodated by the parking supply within the subterranean parking structure under construction. There is no physical expansion of the approved development proposed as part of the request and the use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed use will provide a new visitor-serving commercial venue within the Downtown that is consistent with the Land Use Density Schedules for the Downtown and is compatible with surrounding mixed-use development.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote the commercial viability of The Strand and will expand the available visitor-serving commercial uses within the Coastal Zone.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-021:**

1. The site plan, floor plans, and elevations received and dated May 22, 2007 shall be the conceptually approved design except the storefront windows shall remain fixed.
2. The hours of operation for the restaurant shall be between 11:00 a.m. and 1:00 a.m. Sunday through Thursday and between 11:00 a.m. and 2:00 a.m. Friday and Saturday. Food service shall be provided to within one hour before closing. (PD/ED)
3. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

#### **B-2. ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA**

**DISPENSARIES):** **Applicant:** City of Huntington Beach **Request:** To amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to delete all references to medical marijuana dispensaries. **Location:** Industrial Districts Citywide **Project Planner:** Ricky Ramos

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 07-003 with findings (Attachment No. 1) and forward to the City Council for adoption."

#### **The Commission made the following disclosures:**

- Commissioner Shier-Burnett has never visited a dispensary and has spoken with the City Attorney.
- Commissioner Livengood had discussed the item in a study session.
- Commissioner Speaker – none.
- Chair Scandura spoke with staff, Mayor, and Commissioner Dwyer.
- Commissioner Farley has visited the location.
- Commissioner Shaw discussed with Commissioner Dwyer, Congressman Rohrabacher's office and has researched the item through Google.
- Commissioner Dwyer discussed with Congressman Rohrabacher, Councilman Hansen, Mayor Coerper, Senior Deputy City Attorney Leonie Mulvihill, City Attorney Jennifer McGrath, Police Chief Kenneth Small, Captain Chuck Thomas, Chair Scandura, Commissioner Shaw, Violet Wilmut with the Drug Enforcement Agency (DEA), Sandy Walsh with the Food and Drug Administration (FDA), Police Officer Bob VanGoerder, Costa Mesa Planning Commissioner Jim Righheimer, Irvine Planning Commissioner Adam Probolski, and Chairman of Republic Party of Orange County Scott Baugh.

Ricky Ramos, Associate Planner, presented a PowerPoint presentation outlining the proposed text amendment. Ramos reported 15 late communication emails regarding this item.

Commissioner Livengood asked for clarification that the proposed amendment was deleting medical marijuana dispensaries from the zoning code, if approved.

Scott Hess, Director of Planning clarified that the role of the Commissioners was to make a recommendation and forward to city council to approve or deny the zoning text amendment.

Discussion ensued regarding language in the City Charter on business permits and prosecution of marijuana possession. Staff was asked to provide additional information on Supreme Court cases and Proposition 215.

#### **THE PUBLIC HEARING WAS OPENED.**

Rob Wayman, representative of Compassionate Caregivers, spoke in opposition to the amendment. Mr. Wayman reported that when State and Federal Law conflict, State officials must follow State Law regardless of Federal Law.

Scott Mile donated time to Anthony Curiale.

Anthony Curiale, Attorney, spoke in opposition to the amendment. Curiale stated no court case has ruled that Proposition 215 is subservient to Federal Law. Curiale warns the City may be subject to lawsuits stating discrimination under the Unruh Act. Curiale stated Senate Bill 420 expanded Proposition 215 to allow for the dispensation, growth, transportation and administration of marijuana by primary care givers.

#### **WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commission Dwyer asked for clarification from staff on issues that were raised by Mr. Curiale.

Chair Scandura took issue with the reasoning of the speakers that local government can choose which law to follow when there is a conflict between State and Federal law.

Commissioner Dwyer mentioned in the point of order the Planning Commission does not have to make a recommendation to the City Council. Dwyer cites other cities' dispensaries have been raided by the DEA, who can seize the property. Dwyer clarified his discussions are based purely on evidence on marijuana and not on political ambition.

Commissioner Shaw does not want to see the Federal Government strong arm State Law and would rather honor the will of the people of Huntington Beach and Orange County.

Commissioner Shier-Burnett feels that this item is a travesty and yet another case of the Federal government not listening to its constituents.

Commissioner Livengood is concerned that the law is not clear and did not have information on Senate Bill 420 in the report.

Commissioner Farley stated this is a tough issue with many grey areas. Farley was concerned about the lack of knowledge about ID cards and other bills that were passed.

Chair Scandura clarified this is a policy question for the City. Scandura stated the question is whether to permit a business that is illegal under Federal Law and should we continue to have this ordinance on our books.



**A MOTION WAS MADE BY COMMISSIONER DWYER TO CHANGE THE LANGUAGE OF THE CURRENT CODE, AS PER STAFF'S RECOMMENDATION, WITH THE FOLLOWING FINDINGS: THAT THE ISSUE BE REVISITED UPON THE COMPLETION OF THE CURRENT STUDIES BEING DONE BY CONSENT OF THE FDA AND DEA AND/OR THE RE-CLASSIFICATION OF MARIJUANA, SUCH AS CHANGING THE CLASSIFICATION FROM A C-1 TO A C-5 DRUG OR CHANGING THE CLASSIFICATION TO STATE CONTROLLED (MEANING THERE IS NO CHANCE FOR ADDICTION).**

**WITH NO SECOND, THE MOTION FAILED.**

Commissioner Livengood would like to continue to a date certain and requested additional information. Livengood suggested information on Senate Bill 420 and on Supreme Court action before making a recommendation to City Council.

Commissioner Farley also requested additional information on Senate Bill 420 and Proposition 215.

Staff will provide the following items before the September 11th meeting:

1. Senate Bill 420
2. Proposition 215
3. Relevant Court Cases
4. Citation from the state constitution regarding conflicts with Federal Law

Chair Scandura requested additional information on the Unruh act.

**SUBSTITUTE MOTION:**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHAW, TO CONTINUE ZONING TEXT AMENDMENT NO. 07-003 TO SEPTEMBER 11, 2007, WITH THE ITEMS LISTED TO BE PROVIDED PRIOR TO THE MEETING, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Speaker, Scandura, Shaw, Dwyer, Farley  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

**C. CONSENT CALENDAR**

**C-1. PLANNING COMMISSION MINUTES DATED APRIL 24, 2007**

**RECOMMENDED ACTION:** Motion to: "Approve the April 24, 2007, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE THE APRIL 24, 2007 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Speaker, Scandura, Dwyer, Farley  
**NOES:** None  
**ABSENT:** None

**ABSTAIN: Shaw**

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED MAY 22, 2007**

**RECOMMENDED ACTION:** Motion to: "Approve the May 22, 2007, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY DWYER, SECONDED BY SHIER-BURNETT, TO APPROVE THE MAY 22, 2007 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES: Shier-Burnett, Livengood, Scandura, Dwyer, Farley**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: Speaker, Shaw**

**MOTION APPROVED**

**C-3. PLANNING COMMISSION MINUTES DATED JUNE 26, 2007**

**RECOMMENDED ACTION:** Motion to: "Approve the June 26, 2007, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY FARLEY, SECONDED LIVENGOOD, TO APPROVE THE JUNE 26, 2007 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES: Shier-Burnett, Livengood, Speaker, Scandura, Dwyer, Farley**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: Shaw**

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS**

**D-1. GENERAL PLAN CONFORMANCE NO. 07-002 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007/08):** **Applicant:** City of Huntington Beach **Request:** Evaluate Capital Improvement Program for Fiscal Year 2007/08 for compliance with the General Plan. **Location:** Citywide **Project Planner:** Rosemary Medel

**STAFF RECOMMENDATION:** Motion to: "Adopt Resolution No. 1616, approving General Plan Conformance No. 07-002."

Rosemary Medel, Associate Planner, provided a staff report on the General Plan Conformance.

Chair Scandura commended the staff for including detail on specific projects which helped them in their evaluation and will be a benefit to City Council when they review this program.

A MOTION WAS MADE BY SPEAKER, SECONDED BY FARLEY, TO ADOPT RESOLUTION NO. 1616, APPROVING GENERAL PLAN CONFORMANCE NO. 07-002 AND FORWARD TO CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Shaw, Dwyer, Farley  
NOES: None  
ABSENT: None  
ABSTAIN: None

**MOTION APPROVED**

**D-2. 2006-2007 FLOOD MANAGEMENT PLAN ANNUAL REVIEW:**

**Applicant:** City of Huntington Beach **Request:** Annual review of Flood Management Plan to demonstrate that the City is actively pursuing its implementation. **Location:** Citywide **Project Planner:** Ricky Ramos

**STAFF RECOMMENDATION:** Motion to: "Accept the Flood Management Plan annual review as adequate and complete and forward to the City Council for their review."

Ricky Ramos, Associate Planner, presented a Powerpoint and an outline of the proposed plan.

Commissioner Livengood requested to be informed when a county channel near Good Shepherd Cemetery is scheduled for upgrades.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO ACCEPT THE FLOOD MANAGEMENT PLAN ANNUAL REVIEW AND FORWARD TO CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Shaw, Dwyer, Farley  
NOES: None  
ABSENT: None  
ABSTAIN: None

**MOTION APPROVED**

**E. PLANNING ITEMS**

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING  
Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING  
Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING  
Herb Fauland, Principal Planner – reported on the items scheduled for the next Planning Commission meeting.

**F. PLANNING COMMISSION ITEMS**

- F-1. PLANNING COMMISSION REQUEST ITEMS – NONE
- F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett – None

Commissioner Speaker – Praised staff for doing a fine job.

Vice-Chairperson Livengood – Praised staff for doing a fine job.

Chairperson Scandura – Praised staff and fellow Commissioners for doing a fine job.

Commissioner Shaw – Thanked Leonie Mulvihill, Senior Deputy City Attorney, for doing a fine job.

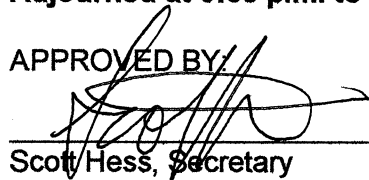
Commissioner Dwyer – Praised staff for doing a fine job.

Commissioner Farley – Praised staff for doing a fine job.

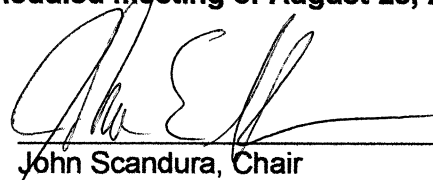
**ADJOURNMENT:**

**Adjourned at 9:00 p.m. to the next regularly scheduled meeting of August 28, 2007.**

APPROVED BY:

A handwritten signature in black ink, appearing to read 'Scott Hess', written over a horizontal line.

Scott Hess, Secretary

A handwritten signature in black ink, appearing to read 'John Scandura', written over a horizontal line.

John Scandura, Chair